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This instrument prepared by:

Law Offices of Kulas & Kulas
2329 W. Chicago Ave.
Chicago, Illinois 60622

95306187

After recording mail to:

Law Offices of Kulas & Kulas
2329 W. Chicago Ave.
Chicago, Illinois 60622

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COOK COUNTY RECORDER



DECLARATION OF PARTY WALLS, EASEMENTS AND PROTECTIVE COVENANTS FOR TOWNHOUSES OF UKRAINIAN VILLAGE

This Declaration is made and entered on this the 28th day of April, 1995
by Jerry Kulas, as owner and record title holder.

RECITALS

A. Declarant is owner and record title holder of certain real estate
("property"), commonly known as 1301-07 W. Thomas, Chicago, Illinois and
legally described as follows:

Lots 4 and 5 in E. A. Cummings and Company's Subdivision of
Block 2 in Subdivision of Block 4 of Suffer's Subdivision of the
South West 1/4 of Section 6, Township 39 North, Range 14, East
of the Third Principal Meridian, also Lots 1 to 8 inclusive and 12 to
32 inclusive in Subdivision of Block 5 of said Suffer's Subdivision
in Cook County, Illinois.

Permanent Index Number: 17-06-308-028-0000

B. The Declarant has constructed on the property one three story
apartment building containing four (4) Townhouse Units ("Townhouse Unit" and
collectively called the Townhouses of Ukrainian Village) each Townhouse Unit
being separated from each it's adjoining Townhouse Unit by a party wall.

C. The townhouse units have been constructed on four (4) separate
parcels of land ("parcels") each legally described on Exhibit "A" attached hereto.

D. Declarant intends to and will sell, convey, transfer, lease and mortgage
some or all of said parcels so improved and desires and intends that the several
purchasers, owners, occupants, mortgagees and all person acquiring any
interest therein, now or hereafter shall at all times enjoy the benefits of and shall

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hold their interests subject to the rights, easements, privileges, uses and burdens hereinafter set forth.

NOW THEREFORE, Jerry Kulas, as owner of the real estate hereinbefore described and for the purposes set forth above, declares as follows:

1. All the dividing or common walls separating the townhouse units on two separate parcels as described on Exhibit "A" shall at all times be considered party walls. Each of the owners of such parcels upon which such party walls shall stand shall have the right to use said party walls below and above the surface of the ground and along the whole length thereof for the support of said townhouse units and for the support of any building constructed to replace the same and shall have the right to maintain, in or on said party wall ducts, pipes or conduits originally located therein or thereon. The cost of the reasonable maintenance, repair or replacement of a party wall shall be borne equally by the owners of the townhouse units served thereby.

2. No owner of any parcel shall have the right to extend said party wall in any manner, whether in height, length or thickness. Each owner covenants not to disturb the integrity and support provided by the party wall or to cut through or make any penetration through such party wall for any purpose whatsoever. Any owner causing any damage to such party wall shall be responsible for the restoration thereof and shall be liable for all costs and expenses incurred in connection therewith.

3. The cost of repairing or restoring any damage caused to a party wall through no fault of either owner who makes use of such party wall shall be borne equally by both such owners and any either owner who makes use of such party wall may restore it and shall be entitled to reimbursement for one-half of the costs incurred in connection therewith from the other owner entitled to the use of such wall including the costs of foundation and supports necessarily installed.

4. License is hereby granted to owners of the Townhouse Units for reasonable access onto adjoining parcels for the purpose of repairing and/or rebuilding destroyed or materially damaged party walls and any electric wiring or plumbing pipes or fixtures contained therein. All such repair and/or rebuilding shall be done in a reasonable time and in a workmanlike manner with materials

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comparable to those used in the original party wall and shall conform in all respects to the laws and ordinances regulating the construction of buildings in force at the time of such repair or reconstruction. Whenever any such party wall or any portion thereof shall be repaired or reconstructed, it shall be erected in the same location and on the same line and be of the same size and thickness as the original party wall.

5. The foregoing provisions notwithstanding, the owner of any parcel or other interested party shall retain the right to receive a larger contribution from another or others, under any rule of law regarding liability or negligence or wilful acts or omissions. The right of any owner or other interested party to contribution from any other owner under the provisions hereof shall be appurtenant to the land and shall pass to such owners or other persons who are successors in title.

6. The title of each owner to the portion of each party wall within a parcel is subject to a cross easement in favor of the adjoining owner for joint use of said party wall.

7. To the extent not inconsistent with the provisions hereof, the general rules of common law regarding party wall rights shall apply with regard to such party walls.

8. A perpetual easement for ingress and egress is hereby created over and across the South 9.0 feet of the property as described on Exhibit "A" for the benefit of all four (4) parcels.

9. This Declaration may be amended, but only in the following manner:

a) Each owner of a parcel shall be entitled to one vote on any proposed amendment hereto.

b) Each vote must be in writing and signed by the owner of each parcel. No amendment shall be effective until

c)(i) It has been approved by one of the owners of three of the four parcels;

(ii) Such amendment has been expressed in a written instrument executed and acknowledged by a minimum of three of the four owners of the

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parcels and recorded in the Office of the Recorder of Deeds of Cook County, Illinois; and

(iii) So long as Declarant is the owner of at least one of the parcels, any amendment must be executed and acknowledged by Declarant.

10. If the owner of any parcel or an owner's heirs, executors, administrators, grantees, assigns or trustees in bankruptcy shall violate or attempt to violate any of the provisions contained in this Declaration, then it shall be lawful for any owner to bring any proceeding or suit in law or in equity in any court of competent jurisdiction to prevent the occurrence of such a violation and to recover damages for said violation or attempted violations and to enforce all of the provisions of this Declaration. All remedies shall be cumulative and not exclusive of any other remedy. The prosecution of any remedy shall not be deemed an election of remedies. The authority or authorities to any such suit or proceeding declared by the judge presiding thereon to be the prevailing party or parties shall be entitled to recover from the non-prevailing party or parties court costs and all fees, including attorney and any expert witness fees, incurred by such prevailing party or parties in connection with such suit or proceeding.

11. No violation of the provisions of this Declaration shall be deemed to release any of the owners of the parcels from their obligations under these provisions.

12. If a court of competent jurisdiction should hold invalid or unenforceable any part of any covenant or provision contained in this Declaration, such holding shall not impair, invalidate or otherwise effect the remainder of the provisions of this Declaration, which shall remain in full force and effect.

13. Each Townhouse Unit shall be used for private single family residence purposes only. This development was designed to have a common scheme and design which consists of four contiguous Townhouse Units, with one Townhouse Unit constructed on each of the four parcels. Therefore, not more than one Townhouse Unit shall be erected, re-erected or maintained on each parcel and each Townhouse Unit shall be consistent with this common scheme and design.

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14. It is the intention of this Declaration to insure that any re-erection or alteration of the Townhouse Units be consistent with the original design so as to not detract from the value of any other Townhouse Unit. No residential structure may be erected on the property other than Townhouse Units as provided for herein.

15. No building, fence, wall or other structure shall be commenced, erected or maintained, nor shall any addition to or change or alteration thereof be made unless such new structure, alteration or addition to an existing structure be of the same design and common scheme as that which was originally constructed or approved by Declarant and otherwise consistent with terms of this Declaration.

16. No home occupation shall be conducted in the Townhouse Unit except as a secondary professional office of a clergyman, lawyer, medical doctor, dentist, architect, engineer, accountant or consultant. No professional occupation shall be conducted which shall involve the attendance of the general public. No mechanical equipment shall be used except that which is customary for purely domestic household purposes. No noxious or offensive activity shall be carried on, in or upon the premises nor shall anything be done which may become a nuisance to the neighborhood.

17. No livestock or live poultry shall be kept or maintained on any parcel.

18. No sign shall be permitted except one nameplate per parcel. A nameplate shall be not more than 48 square inches in area and contain the name of the occupant and/or the address of the building. Said nameplate may be located on the front door of the Townhouse Unit. There shall be excepted from the provision of this section, "For Sale" signs. Until the Declarant sells all four parcels, the Declarant shall have the right to use whatever signs and means are reasonable and necessary, in his sole discretion to market the Townhouse Units.

19. No television, citizens band or shortwave radio transmitting towers or reception antennas shall be placed anywhere on any parcel or attached to any structure. No permanent flag poles or clothes lines shall be permitted.

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20. No lines or wires for communication or the transmission of electrical current or natural gas or other power shall be constructed, placed or permitted to be placed anywhere in the property other than the buildings or structures or attached to the wall unless the same shall be contained in conduits or approved cables constructed, placed and maintained underground.

21. Trash, garbage and other waste shall be kept exclusively in an enclosed sanitary container. No burning of trash or garbage shall be permitted.

22. The cost of maintenance, repair and replacement of the common roof shall be allocated equally among the four parcels. Any decision as to such maintenance, repair or replacement of the common roof shall require the approval of a minimum of three (3) of the four (4) owners of the parcels and shall be binding upon all owners.

23. In the event a Townhouse Unit is partially or wholly destroyed by fire, storm or any other disaster, the owner of the destroyed Townhouse Unit shall have an affirmative duty to rebuild the Townhouse Unit in accordance with the original common scheme and design of the development and as otherwise herein required.

24. Every owner shall maintain insurance in an amount adequate to repair or rebuild his/her Townhouse Unit as required herein in the event said Townhouse Unit is partially or wholly destroyed.

25. Each owner shall have the right to require proof of insurance as herein required from any other owner with whom said owner shares a party wall. Every owner shall be entitled to receive a 30 day cancellation notice from the insurer of any owner with whom said owner shares a party wall. Each owner shall have an affirmative duty to inform his/her insurer of this notice requirement and shall be responsible for the insurer's compliance.

26. All easements and covenants herein and hereby described and declared are easements and covenants appurtenant running with the land; they shall at all times inure to the benefit of and be binding upon the Declarant and all of his grantees, and their respective heirs, devisees, personal representatives, successors, assigns and mortgagees, perpetually in full force and effect.

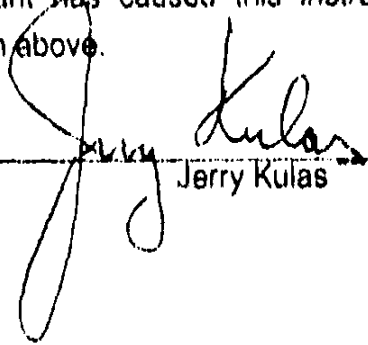
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27. Reference in the respective deeds of conveyance or in any mortgage or trust deed, or other evidence of obligation, to the easements and covenants hereby described shall be sufficient to create and reserve such easements and covenants to the respective grantees, mortgagees or trustees of said parcels, as fully and completely as though said easements and covenants were fully and completely recited and set forth in their entirety in said instruments.

In Witness Whereof the Declarant has caused this instrument to be executed on the day and year first written above.



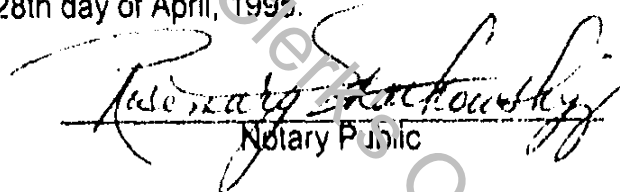
Jerry Kulas

State of Illinois }
County of Cook }

SS.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Jerry Kulas, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and seal this 28th day of April, 1995.



Notary Public

~~~~~  
"OFFICIAL SEAL"  
Rosemary Matkowsky,  
Notary Public, State of Illinois  
My Commission Expires 12/21/98  
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Notary Office

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EXHIBIT 'A'

Parcel 1

Property address: 2301 W. Thomas, Chicago, Illinois 60622

The East 30.60 feet of Lots 4 and 5 in E. A. Cummings and Company's Subdivision of Block 2 in Subdivision of Block 4 of Suffern's Subdivision of the Southwest 1/4 of Section 6, Township 39 North, Range 14 East of the Third Principal Meridian, also Lots 1 to 6 inclusive and 12 to 32 inclusive in Subdivision of Block 5 of said Suffern's Subdivision in Cook County, Illinois.

Parcel 2

Property address: 2303 W. Thomas, Chicago, Illinois 60622

The West 24.20 feet of the East 54.80 of Lots 4 and 5 in E. A. Cummings and Company's Subdivision of Block 2 in Subdivision of Block 4 of Suffern's Subdivision of the Southwest 1/4 of Section 6, Township 39 North, Range 14 East of the Third Principal Meridian, also Lots 1 to 6 inclusive and 12 to 32 inclusive in Subdivision of Block 5 of said Suffern's Subdivision in Cook County, Illinois.

Parcel 3

Property address: 2305 W. Thomas, Chicago, Illinois 60622

The West 24.20 feet of the East 79.00 feet of Lots 4 and 5 in E. A. Cummings and Company's Subdivision of Block 2 in Subdivision of Block 4 of Suffern's Subdivision of the Southwest 1/4 of Section 6, Township 39 North, Range 14 East of the Third Principal Meridian, also Lots 1 to 6 inclusive and 12 to 32 inclusive in Subdivision of Block 5 of said Suffern's Subdivision in Cook County, Illinois.

Parcel 4

Property address: 2307 W. Thomas, Chicago, Illinois 60622

The West 24.50 feet of Lots 4 and 5 in E. A. Cummings and Company's Subdivision of Block 2 in Subdivision of Block 4 of Suffern's Subdivision of the Southwest 1/4 of Section 6, Township 39 North, Range 14 East of the Third Principal Meridian, also Lots 1 to 6 inclusive and 12 to 32 inclusive in Subdivision of Block 5 of said Suffern's Subdivision in Cook County, Illinois.

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